

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 11,637
)	
Appeal of)	

INTRODUCTION

The petitioner appeals the decision by the Department of Social and Rehabilitation Services (SRS) reducing the amount of her child care subsidy. The issue is whether the Department's decision is in accord with the pertinent regulations.

FINDINGS OF FACT

The facts are not in dispute. The petitioner has one child who attends day care while the petitioner is working. In April, 1992, the Department determined that the petitioner was eligible for a day care subsidy of 80% of the maximum based on the petitioner's income. However, at that time the Department mistakenly used the petitioner's net income in making its calculations rather than her gross income, as called for in the regulations (see infra).

The Department did not discover its error until it reviewed the petitioner's case in October, 1992, at which time it notified the petitioner of a reduction in her subsidy to 30% of the maximum. The Department has indicated that it will not attempt to recoup any benefits paid on the petitioner's behalf during the period of "overpayment".

The petitioner indicated at the hearing that she understood the basis of the Department's actions. Her concern, however, is with a system in which so relatively little assistance is available to single parents who choose to work rather than rely totally on public assistance.

ORDER

The Department's decision is affirmed.

REASONS

There is no question that under the Department's regulations day care subsidies are determined according to gross income. SRS Manual § 4000. The petitioner in this matter does not dispute that her present subsidy is correctly calculated. See id. § 4035. Her criticism of the lack of support generally for working single parents is well taken.¹ However, since the Department's decision in this matter is in accord with the regulations as written, it must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

FOOTNOTE

¹The petitioner was advised at the hearing, and is again so here, that she should not hesitate to apply for any other benefits (such as food stamps) to which she may be entitled.

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